

following sentence in the Official Action the "Although Tai, et al. doesn't explicitly state the first and second rules of halftoning, it would have been obvious to one of ordinary skill in the art that the rules of half toning would have been incorporated into Tai, et al., as the system uses scanned images which include text and images, and the different halftoning rules would be used in order to output a clear grayscale image." The same objection applies to the Examiner's rejection of Claim 15 with the use of third and fourth rule of half toning. These rejections are based upon an unwarranted assumption by the Examiner.

The Tai, et al. reference provides a "generic" type disclosure as to the method used in accordance with the disclosure. Considering the teaching that is disclosed in the Tai, et al. reference, there is no disclosure relative to the rules of toning would independently allow one skilled in the art to conclude that the present invention is obvious. The lack of teaching with respect to the rules of toning as conceded by the Examiner, confirms that the Tai, et al. reference does not rise to the level required to qualify as an appropriate reference with respect to Applicants' invention.

Further, the reference must describe the applicant's claimed invention sufficiently to have placed a person of ordinary skill in the field of the invention in possession of it. (Citations omitted) In re Lonnie T. Spada et al., 911 F.2d 705, 708 (Fed. Cir. 1990)

Tai, et al. do not disclose or even imply the specific methods defined in Claims 14 and 15 of the present invention. In his rejection, the Examiner is picking and choosing elements to the exclusion of what the Tai, et al. reference as a whole teaches to one skilled in the art. There is no substantive basis for supporting the Examiner's contention that it would have been obvious that the rules of halftoning would be incorporated into the Tai, et al reference.

The Examiner has selected concepts from his personal knowledge of the art as the primary basis for the rejection without any support found in the reference(s) cited. The Examiner is improperly picking and choosing. It is a piecemeal construction of the invention. Such piecemeal reconstruction of a prior art patent in light of the instant disclosure is contrary to the requirements of 35 U.S.C. § 103.

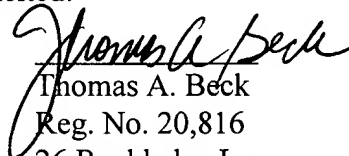
The ever present question in cases within the ambit of 35 U.S.C. § 103 is whether the subject matter as a whole would have been obvious to one of ordinary skill in the art following the teachings of the prior art at the time the invention was made. It is impermissible within the framework of Section 103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. (Emphasis in original) In re Wesslau 147 U.S.P.Q. 391, 393 (CCPA 1965)

The Examiner's rejection of Claims 14 1- 17 in this case relies upon his own inference as to how the Tai, et al. reference operates, with absolutely no teaching found in the prior art.

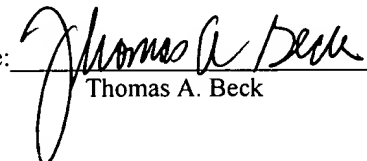
If the Examiner wishes to discuss the substance of the claims contained herein with the intent of putting them into an allowable form, Applicants' attorney will be glad to speak with him at a mutually agreeable time by telephone and will cooperate in any way possible.

In view of the arguments contained herein, allowance of this case is warranted. Such favorable action is respectfully solicited.

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I hereby certify that this paper is being deposited on the date indicated below with the U.S. Postal Service as First Class Mail addressed to Commissioner of Patents & Trademarks, Washington, D.C. 20231

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Date: October 1, 2002

APPENDIX A

"CLEAN" VERSION OF EACH PARAGRAPH/SECTION/CLAIM 37 C.F.R. § 1.121(b)(ii) AND (c)(i)

Sub B1
a
1. (Amended) A method for transforming a digitized image, said method comprising:
providing said image as a plurality of pixels, wherein data for each pixel is in a first format; and
halftoning said data of each of said pixels by employing data from a region of interest which
includes at least one pixel following said each-of-said pixels, and includes a plurality of
neighboring pixels, which form a square pixel array surrounding said each of said pixels,
and producing a second format for said image, and using said second format for an output device
which is a printer,
said method further comprising determining a dynamic range of pixel values of pixels in an
encompassing neighborhood of the region of interest, and wherein the step of halftoning
includes making dynamic adjustments depending on the dynamic range of pixel values,
wherein the step of making dynamic adjustments includes producing a visually pleasing
transition between text and picture areas in said image; and wherein
the step of producing a visually pleasing transition includes:
if said dynamic range is high,
computing a pixel data threshold value for said region of interest;
comparing each pixel value in said region of interest to said pixel data threshold;
if said pixel value is greater than the pixel data threshold value, a first value is placed in
the corresponding position of the said second format image;

if said pixel value is less than or equal to the pixel data threshold value, a second value is
placed in the corresponding position of the said second format image;
if said dynamic range is medium,
computing a desired number of second values to be placed in said second format image in
the region of interest;
ordering the pixels in the region of interest according to the ordering of a predetermined
halftone array;
altering the order of a pixel in said ordering if said pixel has a value which is greater than
the value of the next pixel in said order by a predetermined reordering threshold

value;

repeating said altering of the pixel order until the first and second values chosen for the second format image are no longer changed;

choosing said desired number of second values for the second format from the beginning of the said order, and assigning the remaining pixels values in the region of interest to said first value;

if said dynamic range is low,

using said predetermined halftone array to compute said first and second values for said second format image;

if all the image intensity values in the said region of interest are either very high or very low, outputting all said first values or all said second values to the second format image respectively.

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APPENDIX B

VERSION WITH MARKINGS TO SHOW CHANGES MADE

37 C.F.R. § 1.121(b)(iii) AND (c)(ii)

REWRITE THE FOLLOWING CLAIMS:

1. (Amended) A method for transforming a digitized image, said method comprising: providing said image as a plurality of pixels, wherein data for each pixel is in a first format; and halftoning said data of each of said pixels by employing data from a region of interest which includes at least one pixel following said each-of-said pixels, and includes a plurality of neighboring pixels, which form a square pixel array surrounding said each of said pixels, and producing a second format for said image, and using said second format for an output device which is a printer, said method further comprising determining a dynamic range of pixel values of pixels in an encompassing neighborhood of the region of interest, and wherein the step of halftoning includes making dynamic adjustments depending on the dynamic range of pixel values, wherein the step of making dynamic adjustments includes producing a visually pleasing

transition between text and picture areas in said image; and wherein

the step of producing a visually pleasing transition includes:

if said dynamic range is high,

computing a pixel data threshold value for said region of interest;

comparing each pixel value in said region of interest to said pixel data threshold;

if said pixel value is greater than the pixel data threshold value, a first value is placed in the corresponding position of the said second format image;

if said pixel value is less than or equal to the pixel data threshold value, a second value is placed in the corresponding position of the said second format image;

if said dynamic range is medium,

computing a desired number of second values to be placed in said second format image in the region of interest;

ordering the pixels in the region of interest according to the ordering of a predetermined halftone array;

altering the order of a pixel in said ordering if said pixel has a value which is greater than the value of the next pixel in said order by a predetermined reordering threshold value;

repeating said altering of the pixel order until the first and second values chosen for the second format image are no longer changed;

choosing said desired number of second values for the second format from the beginning of the said order, and assigning the remaining pixels values in the region of interest to said first value;

if said dynamic range is low,

using said predetermined halftone array to compute said first and second values for said second format image;

if all the image intensity values in the said region of interest are either very high or very low, outputting all said first values or all said second values to the second format image respectively.